



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/849,980 | 05/20/2004 | Shiro Ono | 19036/40133 | 8689 |

4743 7590 04/21/2006

MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO, IL 60606

| |
|----------|
| EXAMINER |
|----------|

PARSLEY, DAVID J

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3643

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/849,980

Applicant(s)

ONO ET AL.

Examiner

David J. Parsley

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Detailed Action

Amendment

1. This office action is in response to applicant's amendment dated 2-28-06 and this action is final.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,916,482 to Kvilhaug in view of DE Patent No. 19824966.

Referring to claim 1, Kvilhaug discloses a carcass tilting device equipped in a spinal column processing apparatus, the device comprising, a support body – at 1, a tilting member – at 2-4, pivotally mounted on the support body – see the links of the transmission assembly – at 4, which have pivotal connections to the body – at 1, the tilting member having a contact portion – at 2-3, with which the carcass makes contact – see for example figure 1, and a drive unit – at 4, to cause the tilting member to pivot to be tilted with respect to a vertical direction such that a lower end of the tilting member is raised – see the rotational movement of items 2-3 as seen in

figure 1. Kvilhaug does not disclose the apparatus is configured to suction and remove the spinal cord from a spinal cavity of a carcass of slaughtered cattle. The German patent does disclose the apparatus is configured to suction and remove the spinal cord – at 17, from a spinal cavity of a carcass of slaughtered cattle – see for example figures 1-3 and the page 7 lines 11-20 of the translation. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Kvilhaug and add the suction and removal of the spinal cord of the German patent, so as to allow for the carcass meat to be cleaner and safer since it is not contaminated with the spinal cord material.

Referring to claim 2, Kvilhaug as modified by the German patent further discloses the tilting member is pivotable around an upper end thereof – see the linkages – at 4 in figure 1 of Kvilhaug, where the uppermost linkage attached to the underside of item 2, is pivotally connected to item 2.

Referring to claim 3, Kvilhaug as modified by the German patent further discloses the tilting member is pivotable around an intermediate point between the upper end and a lower end thereof – see the middle portion of the linkage assembly at 4 in figure 1 of Kvilhaug, proximate the cylinder where the linkage has two portions pivotally connected together and these two portions are further pivotally connected to the cylinder.

Referring to claim 4, Kvilhaug as modified by the German patent further discloses the tilting member includes a plurality of tilting elements – see the piston/cylinder arrangement connected to the linkage in figure 1 or the linkage itself as seen in figure 1, which are displaceable relative to each other in a longitudinal direction of the elements – the piston extends and retracts into and out of the cylinder housing and the linkage comprises two links pivotally

Art Unit: 3643

connected to one another, from a position where the elements overlap each other – see figure 1 of Kvilhaug, thereby causing the tilting member to extend – see for example the movement of items 2-3 in figure 1 of Kvilhaug.

Referring to claim 5, Kvilhaug as modified by the German patent further discloses a carcass press member – at 20-22, mounted in the vicinity of the lower end of the tilting member – see figure 1, so as to be advanceable from the contact portion of the tilting member – at 2-3, toward the carcass – at 13 – see for example figure 1 and column 2 lines 28-37 of Kvilhaug.

Referring to claim 6, Kvilhaug as modified by the German patent further discloses a press portion – at 20-21, mounted at a tip end of the tilting member to be pivotable to advance from a surface of the contact portion – at 2-3, with which the carcass makes contact toward the carcass – at 13, and retract from the surface of the contact portion – see for example figure 1 and column 2 lines 28-37 of Kvilhaug, and a drive unit – at 22 or at the cylinder connected to the linkage – at 4 as seen in figure 1, mounted on the tilting member to drive the press portion to pivot – see for example figure 1 and column 2 lines 28-37 of Kvilhaug.

Referring to claim 7, Kvilhaug as modified by the German patent further discloses the tilting member is horizontally movable to be away from and close to the support body – see for example the movement of items 2-3 of the tilting member in figure 1 of Kvilhaug, where items 2-3, have both a vertical movement component and a horizontal movement component.

Referring to claim 8, Kvilhaug discloses an apparatus for working on the spinal column of a carcass comprising, a spinal column processing component – at 5-11, and a carcass tilting device – at 1-4, including a support body – at 1, and a tilting member – at 2-4, pivotally mounted on the support body – see the links of the transmission assembly – at 4, which have pivotal

Art Unit: 3643

connections to the body – at 1, the tilting member having a contact portion – at 2-3, with which the carcass makes contact – see figure 1, and a drive unit – at 4, configured to cause the tilting member to be tilted with respect to a vertical direction such that a lower end of the tilting member is raised – see for example the movement of items 2-3 through rotation caused by the drive unit – at 4 in figure 1. Kvilhaug does not disclose a suction nozzle configured to suction spinal cord from a spinal cavity of a carcass of slaughtered cattle. The German patent does disclose a suction nozzle – at 0,10, configured to suction spinal cord from a spinal cavity of a carcass of slaughtered cattle – see for example figures 1-3 and page 7 lines 11-20 of the translation. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Kvilhaug and add the suction and removal of the spinal cord of the German patent, so as to allow for the carcass meat to be cleaner and safer since it is not contaminated with the spinal cord material.

Response to Arguments

3. Regarding claims 1 and 8, the Kvilhaug reference US 3916482 discloses pivoting a tilting member – at 2,3, as seen in figure 1, such that a lower end of the tilting member – at 2, is raised as seen in figure 1 where when the table – at 2 is pivoted to the position shown in the dotted lines in figure 1, the lower portion of the table – at 2 has its portions which are closest to the carcass – at 13 which would raise above the upper surface of the base – at 1 as seen in figure 1.

Regarding claim 2, the Kvilhaug reference discloses a tilting member – at 2-4, that is pivotable around an upper end thereof – see at the connection of the linkage – at 4 to the table –

Art Unit: 3643

at 2 in figure 1, where the table is pivotable about this connection and this connection is at an upper end of item 4 and this connection is at a portion of item 2 which is located upward from the lowermost end of item 2.

Regarding claim 3, Kvilhaug discloses the tilting member – at 2-4, is pivotable around an intermediate point – at 4, located between upper portions and lower portions of item – 2 as seen in figure 1.

Regarding claim 4, Kvilhaug discloses a drive unit being the piston/cylinder arrangement as seen – at 4 in figure 1. Further, Kvilhaug discloses tilting elements – at the linkage components, connectors and brackets at the end of the linkage components – at 4 in figure 1. The linkage components being displaceable relative to each other as seen at the connection proximate the cylinder – at 4, connecting the two linkage components to one another. Further, applicant argues that the tilting members do not facilitate a longitudinal extension of the tilting member. However, this limitation is not claimed and therefore this argument is moot. Applicant claims that the tilting members are displaceable in a longitudinal direction relative to each other but does not claim that this movement causes extension of the tilting member.

Regarding claims 1-8, applicant argues that the combination of the Kvilhaug reference with the German patent DE 19824966 is improper in that there is no motivation to combine the references. Both the Kvilhaug reference and the German patent are related to carcass slaughtering operations. The Kvilhaug reference is a device used to process the carcasses along a longitudinal axis of the animal and the spine of the animal is along the longitudinal axis and the German patent is used to process the spine of the carcass. Therefore, it is deemed that the device of Kvilhaug can be used to support a carcass during spinal cord processing by the device of the

Art Unit: 3643

German patent given the motivation to combine these references stated above in paragraph 2 of this office action.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Parsley whose telephone number is (571) 272-6890. The examiner can normally be reached on Monday-Friday from 8am to 4pm.

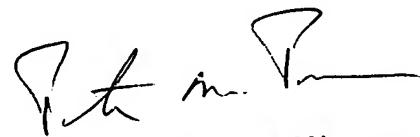
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3643

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Parsley
Patent Examiner
Art Unit 3643



PETER M. POON
SUPERVISORY PATENT EXAMINER

4/20/06